



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-017

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM BP BUSINESS PARK TO LI LIMITED INDUSTRIAL, ON LOT 1, CSM #16895, VOLUME 79, PAGE 96, DOCUMENT #1676458, 3.119 ACRES AT 8902 PROGRESS WAY, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 14th day of March, 2016, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Village Board, and the said Board having received and approved the recommendation of said Plan Commission;

NOW THEREFORE, the Village Board of the Village of Weston do ordain as follows:

SECTION 1: On the application (REZN-2-16-1566) of Jennifer Higgins, Director of Planning and Development, 5500 Schofield Avenue, Weston, WI 54476, on behalf of property owner Village of Weston, 5500 Schofield Avenue, Weston, WI 54476, for the following territory now comprising a part of the BP Business Park zoning district, located in Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

LI Limited Industrial – Lot 1, of CSM #16895, Vol 79, Pg 96, Doc #1676458. Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. More commonly known as 8902 Progress Way. This area to be rezoned consists of 3.119 acres.

SECTION 2: The Clerk shall make necessary alterations upon the official map of the Village of Weston to reflect the changes in the zoning classifications of the property described herein.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 21st day of March, 2016.

VILLAGE BOARD OF WESTON

By: Barbara Ermeling
Barbara Ermeling, President

Attest: Sherry Weinkauff
Sherry Weinkauff, Village Clerk

APPROVED: 3/21/16

PUBLISHED: 3/23/16

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No. 16-017: "An Ordinance to Approve the Rezoning of Land from BP Business Park to LI Limited Industrial, on Lot 1, CSM #16895, Volume 79, Page 96, Document #1676458, 3.119 Acres at 8902 Progress Way, Village of Weston, Marathon County, Wisconsin" on Monday, March 21, 2016.

The full text of Ordinance No. 16-017 may be obtained at the office of the Village Clerk at the Weston Municipal Center, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Sherry Weinkauff, Village Clerk

Published: 03/23/2016

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-56910 -321-000

Description:

Ord No 16-017
REZN-2-16-15060 8902 Progress Way

Approved by

[Signature]
Initials

4/11/16
Date

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0001141186
No. of Affidavits: 1
Total Ad Cost: \$15.21
Published Dates: 03/23/16

(Signed)

[Signature]

(Date)

3-25-16

Legal Clerk



Signed and sworn before me

[Signature]

My commission expires

12-7-19

Notice of Newly Enacted Ordinance
Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No. 16-017: "An Ordinance to Approve the Rezoning of Land from BP Business Park to LI Limited Industrial, on Lot 1, CSM #16895, Volume 79, Page 96, Document #1676458, 3.119 Acres at 8902 Progress Way, Village of Weston, Marathon County, Wisconsin" on Monday, March 21, 2016.
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Sherry Weinkauff, Village Clerk
RUN: March 23, 2016 WNAXLP

WESTON VILLAGE OF

Re: Ord 16-017

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435 EAST WALNUT ST.
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GREEN BAY, WI 54305-3430

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email: WDH-Legals@wdhmedia.com



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on **Monday, March 14, 2016, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

REZN-2-16-1566 Jennifer Higgins, Village of Weston, 5500 Schofield Avenue, Weston, requesting a rezoning from BP (Business Park) to LI (Limited Industrial), on property addressed as 8902 Progress Way, to allow this parcel to be combined with adjacent parcels to the east. This parcel is described as Lot 1, CSM #16895, Volume 79, Page 96, Document #1676458, and consists of 3.119 acres.

The hearing notice and applicable application materials are available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on the day of the hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 25th day of February, 2016

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, February 29, 2016 and Monday, March 7, 2016.

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF

5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-516910-321-000

Description:

WDH Public hearing
notice REZN-2-16-1516 Progress
Approved by [Signature] 3/21/16
Initials Date

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0001081604
No. of Affidavits: 1
Total Ad Cost: \$60.36
Published Dates: 02/29/16, 03/07/16

(Signed)

[Signature] (Date) 3-10-16

Legal Clerk



Signed and sworn before me

[Signature]

My commission expires

12-7-19

VILLAGE OF WESTON
NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on Monday, March 14, 2016, at 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following: REZN-2-16-1566 Jennifer Higgins, Village of Weston, 5500 Schofield Avenue, Weston, requesting a rezoning from BP (Business Park) to LI (Limited Industrial), on property addressed as 8902 Progress Way, to allow this parcel to be combined with adjacent parcels to the east. This parcel is described as Lot 1, CSM #16895, Volume 79, Page 96, Document #1676458, and consists of 3.119 acres.
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Dated this 25th day of February, 2016
Valerie Parker
Plan Commission Secretary
RUN: Feb. 29 & Mar. 7, 2016 WNAXLP

WESTON VILLAGE OF
Re: PH REZN-2-16-1566

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Village of Weston

Marathon County, Wisconsin

OFFICIAL ZONING MAPS

Map Date: 2/29/2016
Adoption Date (Village): 3/18/2015
Adoption Date (ETZ): 3/18/2015



Map by the Technology Services Department,
Village of Weston



LEGEND

- 8902 Progress Way
- Village of Weston
- Right-of-way
- Parcel Boundary
- Wetland
- Surface Water

ZONING DISTRICTS

- AR - Agriculture and Residential
- PR - Parks and Recreation
- RR-2 - Rural Residential-2 Acre
- RR-5 - Rural Residential-5 Acre
- SF-L - Single Family Residential-Large Lot
- SF-S - Single Family Residential-Small Lot
- 2F - Two Family Residential
- MF - Multiple Family Residential
- MH - Manufactured Home
- INT - Institutional
- B-1 - Neighborhood Business
- B-2 - Highway Business
- B-3 - General Business
- BP - Business Park
- U - Limited Industrial
- GI - General Industrial

OVERLAY ZONING DISTRICTS

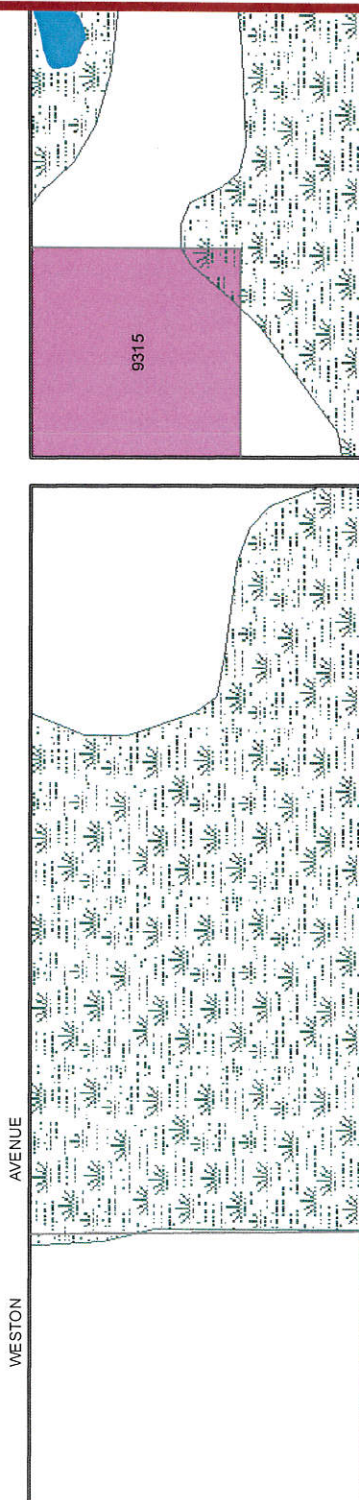
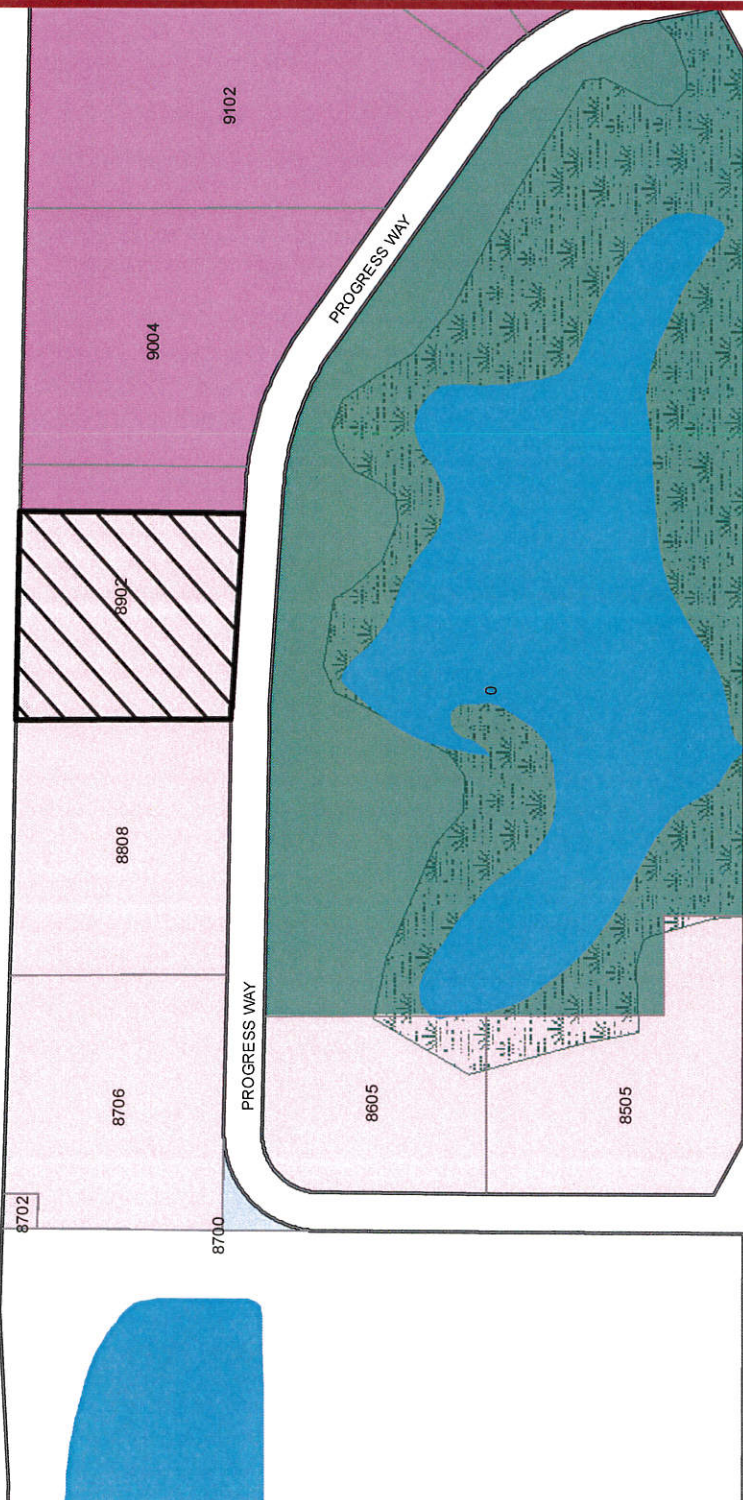
- Design - Commercial Corridor
- Design - Condominium
- Design - Renaissance
- Design - Rail-to-Trail
- Design - Weston Marketplace

WELLHEAD PROTECTION ZONES

- Zone A
- Zone B



STATE HIGHWAY 29



LRS10801
LRS108I

Land Records
Browse

2/02/16
14:36:17

PIN 192 2808 234 0026 Village of WESTON
Parcel 62 082200 000 005 01 00 Status: ACTIVE
Adr 1 8902 PROGRESS WAY WESTON 54476 0000
Own 1 VILLAGE OF WESTON B

Zoning

1 Zoning Records on File.

Year	Flood Plain Wetlands	Zoning	Zone Use	Ordinance
2015		1) BP	BUSINESS PARK	
		2)		
		3)		
		4)		

F2=Sanitary Permits

F3=Exit F4=Prompt F7=Previous F8=Next F24=More

Rezone to ~~GL~~ LI

REZN-2-16-1566



DOC# 1676458

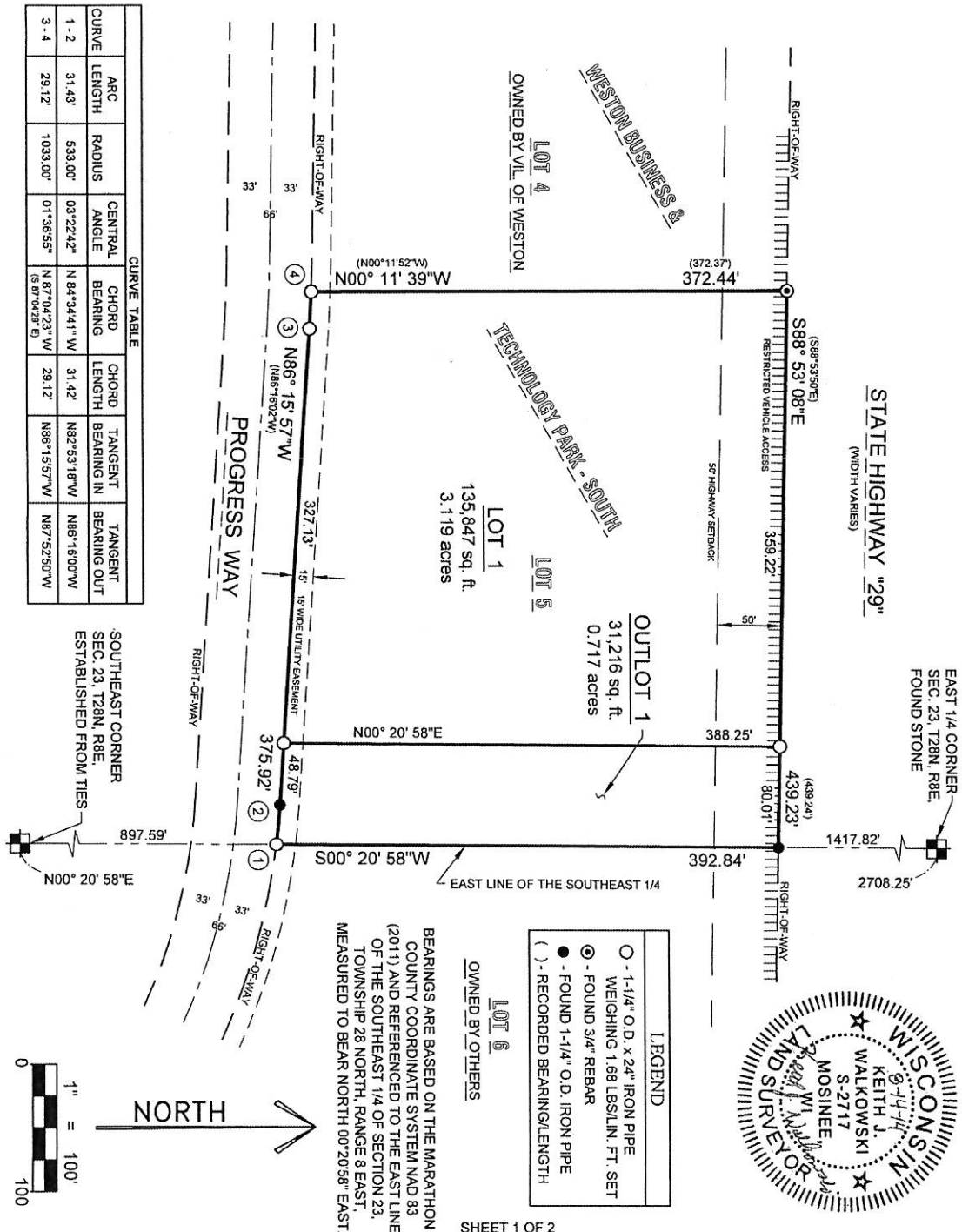
Michael J. Sydow

16895

Chg 30.00 Riverside Surv.
Chg 3.00 " " " Copy

MARATHON CO. CERTIFIED SURVEY MAP NO. 16895

Of Lot 5 of Weston Business and Technology Park - South, located in part of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.



SHEET 1 OF 2

MARATHON CO. CERTIFIED SURVEY MAP NO. 16895

Of Lot 5 of Weston Business and Technology Park - South, located in part of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

I, Keith J. Walkowski, Registered Land Surveyor S-2717, hereby certify to the best of my knowledge and belief: That I have surveyed, mapped and divided Lot 5 of Weston Business and Technology Park - South, located in part of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, described as follows:

Commencing at the Southeast corner of said Section 23; Thence North 00°20'58" East along the East line of said Southeast 1/4, 897.59 feet to the North right-of-way line of Progress Way, also the Southeast corner of said Lot 5 of Weston Business and Technology Park - South which is the point of beginning of said described parcel and the beginning of a tangential curve to the left; Thence along said North right-of-way line, 31.43 feet along the arc of said curve, said curve having a radius of 533.00 feet, a central angle of 03°22'42" and a chord that bears North 84°34'41" West for a distance of 31.42 feet; Thence North 86°15'57" West along said North right-of-way line, 375.92 feet to the beginning of a tangential curve to the left; Thence along said North right-of-way line, 29.12 feet along the arc of said curve, said curve having a radius of 1033.00 feet, a central angle of 01°36'55" and a chord that bears North 87°04'23" West for a distance of 29.12 feet to the West line of said Lot 5; Thence North 00°11'39" West along said West line, 372.44 feet to the South right-of-way line of State Highway "29"; Thence South 88°53'08" East along said South right-of-way line, 439.23 feet to the East line of said Lot 5; Thence South 00°20'58" West along said East line, 392.84 feet to the point of beginning.

That the above described parcel of land contains 167,063 square feet, or 3.836 acres more or less;

That Outlot 1 as shown hereon is a substandard lot and may not be improved upon without the prior approval of the appropriate governing bodies. That said Outlot 1 is to be conveyed to the owner of Lot 6 of Weston Business and Technology Park - South as shown on this map.

That said parcel is subject to all easements, restrictions and right-of-ways of record including a 15' wide utility easement;

That I have made this survey, division and map thereof at the direction of the Village of Weston, Owner of said parcel;

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the subdivision regulations of Marathon County and the Village of Weston in Surveying, Mapping and Dividing the same.

That said map is a correct and accurate representation of the exterior boundaries of said parcel and the division thereof.

Dated this 14TH day of AUGUST, 2014

Keith J. Walkowski
Riverside Land Surveying LLC
Keith J. Walkowski
P.L.S. No. 2717



Village of Weston Approval Certificate:

Reviewed and Approved under Chapter 74 of the Village of Weston Ordinance.

By Jimmy L. Higgins

Date 8-15-2014
Village of Weston Zoning Department

SHEET 2 OF 2

 RIVERSIDE LAND SURVEYING LLC 6304 KELLY PLACE WESTON, WI 54476 email - mail@riversidelandsurveying.com	DRAWN BY M.F.L.	DATE AUGUST 6, 2014
	CHECKED BY K.J.W.	PROJECT NO. MR-141
	PREPARED FOR:	VIL. OF WESTON



4272450

Michael J. Syt
Dean J. Strat

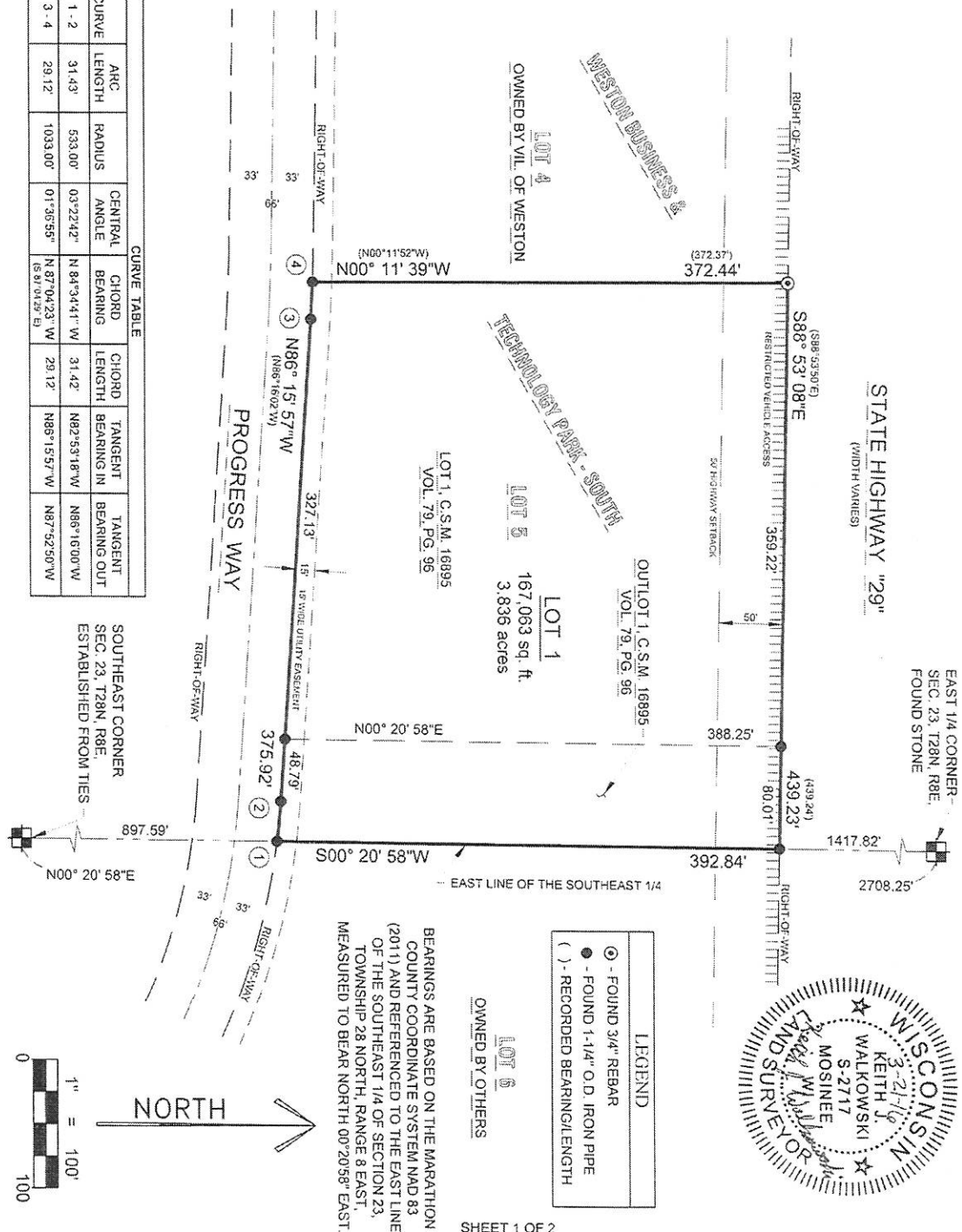
Chg. 30.00

DOC # 1710697

MARATHON CO. CERTIFIED SURVEY MAP NO. 17348

Of Lot 1 and Outlot 1 of Certified Survey Map Number 16895 recorded in Volume 79 of Certified Survey Maps on page 96 located in part of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

CURVE TABLE							
CURVE	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT BEARING IN	TANGENT BEARING OUT
1-2	31.43	533.00'	03°22'42"	N 84°34'21" W	31.42'	N82°53'18" W	N86°16'00" W
3-4	29.12	1033.00'	01°36'55"	N 87°04'23" W (68°13'49" E)	29.12'	N85°15'57" W	N87°52'50" W



SHEET 1 OF 2



RIVERSIDE LAND SURVEYING LLC

6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 • FAX 715-355-6894
email - mail@riversidelandsurveying.com

DRAWN BY
M.F.L.

DATE
MARCH 18, 2016

CHECKED BY
K.J.W.

PROJECT NO.
2425

PREPARED FOR:

VIL. OF WESTON

MARATHON CO. CERTIFIED SURVEY MAP NO. 17348

Of Lot 1 and Outlot 1 of Certified Survey Map Number 16895 recorded in Volume 79 of Certified Survey Maps on page 96 located in part of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

I, Keith J. Walkowski, Professional Land Surveyor S-2717, hereby certify to the best of my knowledge and belief: That I have surveyed, mapped and divided Lot 1 and Outlot 1 of Certified Survey Map Number 16895 recorded in Volume 79 of Certified Survey Maps on page 96 located in part of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, described as follows:

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That the above described parcel of land contains 167,063 square feet, or 3.836 acres more or less;

That said parcel is subject to all easements, restrictions and right-of-ways of record including a 15' wide utility easement;

That I have made this survey, division and map thereof at the direction of the Village of Weston, Owner of said parcel;

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the subdivision regulations of the Village of Weston in Surveying, Mapping and Dividing the same.

That said map is a correct and accurate representation of the exterior boundaries of said parcel and the division thereof.

Dated this 21ST day of MARCH, 2016
Keith J. Walkowski
Riverside Land Surveying LLC
Keith J. Walkowski
P.L.S. No. 2717




Village of Weston Approval Certificate:

Reviewed and Approved under Chapter 74 of the Village of Weston Ordinance.

By Jennifer L. Higgins
Date 3/23/16
Village of Weston Zoning Department

SHEET 2 OF 2

 RIVERSIDE LAND SURVEYING LLC 6304 KELLY PLACE WESTON, WI 54476 email - mail@riversidelandsurveying.com	DRAWN BY M.F.L.	DATE MARCH 18, 2016
	CHECKED BY K.J.W.	PROJECT NO. 2425
	PREPARED FOR:	VIL. OF WESTON

000-1710697

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **JENNIFER HIGGINS, DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: **REZONE OF 3.119 ACRES AT 8902 PROGRESS WAY FROM BP TO LI (REZN-2-16-1566)**

DATE/MTG: **PLAN COMMISSION, MONDAY, MARCH 14, 2016**

POLICY QUESTION: Should the Plan Commission make the recommendation to the Village Board to rezone 3.119 Acres at 8902 Progress Way from BP to LI.

RECOMMENDATION TO: I make a motion to endorse approval, and recommend to the Trustees the rezone of 3.119 Acres at 8902 Progress Way from BP to LI.

LEGISLATIVE ACTION:

<input checked="" type="checkbox"/> Acknowledge/Approve	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
<input type="checkbox"/> Administrative Order	<input type="checkbox"/> Policy	<input type="checkbox"/> Reports
<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

FISCAL IMPACT ANALYSIS:

<input type="checkbox"/> Budget Line Item:	None
<input type="checkbox"/> Budget Line Item:	None
<input type="checkbox"/> Budgeted Expenditure:	None
<input type="checkbox"/> Budgeted Revenue:	None

STATUTORY / RULEMAKING / POLICY REFERENCES:

<input checked="" type="checkbox"/> WI Statute:	Wis. Stat. § 62.23 (7)(d)
<input type="checkbox"/> WI Administrative Code:	
<input type="checkbox"/> Case Law / Legal:	
<input checked="" type="checkbox"/> Municipal Code:	Sec. 94.16.03
<input type="checkbox"/> Municipal Rules:	

PRIOR REVIEW: None.

BACKGROUND:

In August 2014, the Village created a 0.717 acre outlot on a portion of Lot 5 in Weston Business and Technology Park – South as staff was in discussions with From the Forest (FTF) purchasing the outlot and adding it to their property (lot 6) next door. Over the last year, FTF has decided they would like to purchase the entire lot, not just the 31,216 Sq. Ft. outlot. Therefore, staff is bringing this rezone before you so that the outlot and Lot 1 can both be zoned LI and can be combined together via a CSM.

☒ Supplemental Briefer for Agenda Items under Consideration?

☒ Attachments?



Application for Rezone
**REZONE DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **REZN-2-16-1566** Hearing Date: **March 14, 2016**
Applicant: **Jennifer Higgins, on behalf of the Village of Weston**
Location: **8902 Progress Way, Weston, WI 54476**
Description: **Lot 1, of CSM #16895, Vol 79, Pg 96, Doc #1676458. Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. More commonly known as 8902 Progress Way. This area to be rezoned consists of 3.119 acres.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Current Zoning: **BP Business Park**
Definition: 94.2.02(3)(e) **BP Business Park.** The BP district accommodates office, light industrial, and other compatible businesses and support uses in a controlled business or office park setting. Allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district: B-P Business Park and B-4 Office)
Proposed Zoning **LI Limited Industrial**
Definition: 94.2.02(3)(f) **LI Limited Industrial.** The LI district accommodates primarily light industrial, storage, office, and other compatible businesses and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, outdoor activities, and other potential nuisances. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for industrial uses within the Comprehensive Plan. (Predecessor district: LMD Light Manufacturing Distribution)
Future Land Use: **Business/Office Park and adjacent to Industrial**
FLU Description: **Business/Office Park - Office, indoor light industrial, research, and other compatible and support uses in a controlled business park, office park, and setting, where allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. All served by a public sewer system.**

Development Policies:

1. Design developments within Business Park areas to result in higher-end "office park" or "office/research campus" setting.
2. Encourage warehousing and manufacturing uses to locate away from lands planned for Business Park use, except where designed to blend within an office/research setting.

Typical Implemented Zoning Districts: BP Business Park (preferred). LI Light Industrial or B-2 or B-3 districts may also be appropriate where the range of uses, impacts, and aesthetics is otherwise controlled (such as through deed restrictions).

Please note the location is adjacent to industrial and the comprehensive plan future land use map is not parcel specific. Please see the note on the attached future land use map.

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

Yes. The property is located in a fringe area where either Business/Office Park and Industrial would be consistent with the comprehensive plan.

2. Does the rezoning further the purpose and intent of this Chapter?

Yes.

3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?

Yes, this rezone is addressing any mapping error, new or changed factors or growth patterns. The zoning map was adjusted during the March 2015 Zoning Update to rezone a small piece of land from this lot for From the Forest next door. They are now requesting to purchase the remainder of the lot so in order to put the lot back together, we need to rezone the remainder of the Lot to LI so it can be added to the small outlot that was created last year.

4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Yes. This rezone will allow a current business to expand its operations.

BACKGROUND INFORMATION:

In August 2014, the Village created a 0.717 acre outlot on a portion of Lot 5 in Weston Business and Technology Park – South as staff was in discussions with From the Forest (FTF) purchasing the outlot and adding it to their property (lot 6) next door. Over the last year, FTF has decided they would like to purchase the entire lot, not just the 31,216 Sq. Ft. outlot.

CURRENT PROPERTY CONDITIONS:

Currently the property to be rezoned is vacant commercial/industrial land in Weston's Business and Technology Park - South.

PLAN COMMISSION ACTION OPTIONS: (Process is outlined in Sec. 94.16.03(6))

- 1) Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board at their 3/21/16 meeting.
- 2) Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 3/21/16 meeting.
- 3) Plan Commission takes no action and the request moves on to the Village Board at their 3/21/2016 meeting with no recommendation.

Conditional Use/Rezone/Comprehensive Plan Amendment

Permit Application
Village of Weston/ETZ

Date: 02/10/2016

Permit No. : REZN-2-16-1566

Payment: ☐ Cash ☐ Check No. _____

FULL COMPLETION OF THIS FORM IS REQUIRED FOR PROCESSING



5500 Schofield Ave
Weston, WI 54476

PROPOSALS AND FEES

<input type="checkbox"/> Conditional Use (Residential)		\$ 250.00
<input type="checkbox"/> Conditional Use (Non-Residential)	\$250.00 + \$10.00/Acre over 10 Acres =	\$ _____
<input type="checkbox"/> Conditional Use Amendment		\$ 250.00
<input checked="" type="checkbox"/> Rezone (Official Zoning Map Amendment)		\$ 250.00
<input type="checkbox"/> Conditional Use and Rezone (Residential)		\$ 400.00
<input type="checkbox"/> Conditional Use and Rezone (Non-Residential)	\$400.00 + \$10.00/Acre over 10 Acres =	\$ _____
<input type="checkbox"/> Comprehensive Plan Map Amendment		\$ 350.00
<input type="checkbox"/> Comprehensive Plan Map Amendment with Rezone		\$ 500.00
<input type="checkbox"/> Comprehensive Plan Text Amendment		\$ 200.00
TOTAL:		\$ _____

APPLICANT INFORMATION

Applicant Name: Village of Weston

☐ Agent* ☒ Property Owner

Mailing Address: 5500 Schofield Avenue

Phone: 715-359-6114

Weston, WI 54476

Email: jhiggins@westonwi.gov

* Agents must have a LETTER OF AUTHORIZATION from all property owners at the time of filing.

Property Owner: Village of Weston

Contact Name: Jennifer Higgins, Director of Planning & Development

Mailing Address: 5500 Schofield Avenue

Phone: 715-359-6114

Weston, WI 54476

Email: jhiggins@westonwi.gov

PROJECT SITE SPECIFICATIONS

Project Address: 192-2808-234-0026

Lot Size(ft²): 135,847 sq. ft.

(or PIN if no address) 8902 Progress Way

Acres: 3.119 acres

Property Zone: BP - Business Park

Proposed Rezone: LI - Limited Industrial

Current Future Land
Use Designation: Business/Office Park

Proposed Future Land
Use Designation: Industrial

Legal Description: Lot 1, of CSM #16895, Vol 79, Pg 96, Doc #1676458

PUBLIC HEARING REQUIRED FOR CONDITIONAL USE AND REZONE

CONDITIONAL USE: Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance

with the requirements of Wis. Stat. § 62.23(7)(d). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

REZONE: The Plan Commission (or Extraterritorial Zoning Committee) shall hold a public hearing on all proposed amendments to the Official Zoning Map. Following the public hearing, and after consideration of comments provided therein, the Plan Commission or Committee shall review the proposed amendment to the Official Zoning Map and shall within 45 days of the public hearing make a recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission or Committee fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant. Nothing in this Chapter requires Town Plan Commission or Town Board action on proposed amendments to the Official Zoning Map in the ETZ Area.

CONDITIONAL USE REQUIREMENTS

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations is required to be attached to this application.

Has the written description and location been attached? ☒ Yes ☐ No

Written justification is required for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached? ☒ Yes ☐ No

Does the Conditional Use Permit involve exterior building or site improvements? ☒ Yes ☐ No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete.

Comparison of Proposed Conditional Use with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Weston Comprehensive Plan; zoning ordinance; and any other plan, program or ordinance adopted or under consideration? Explain how, or why not. (Consult with Zoning Administrator as necessary on applicable plans.)
2. Will the proposed conditional use in this location, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed? Explain how, or why not.

3. Will the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environments of the subject property? How?

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property? Explain how this has been evaluated.

5. What are the public benefits of this proposal? Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use?

Issuance and Recording of Permit. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.

Effect of Denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Termination of an Approved Conditional Use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

Time Limits on the Development of Conditional Use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.

Discontinuing an Approved Conditional Use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

Change of Ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use

permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter. A use now regulated as a conditional use that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this Section.

REZONE REQUIREMENTS

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

Written justification is required for the proposed rezone consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached? ☒ Yes ☐ No

Does the rezone involves exterior building or site improvements? ☒ Yes ☐ No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.

Comparison of Proposed Rezone with Required Review Criteria (complete below or on an attached sheet as needed):

- 1. Is the proposed rezoning consistent with the recommendations of the Comprehensive Plan? Explain how, or why not.

- 2. Does the proposed rezoning further the purpose and intent of the zoning ordinance, as expressed in Section 94.1.03 of the Village’s zoning ordinance? Explain how, or why not.

- 3. Does the proposed rezoning address a mistake that was made in mapping on the Village’s zoning map? In other words, is the subject property developed in a way that is not allowed under its current zoning? If yes, please explain.

- 4. Does the proposed rezoning address factors that have changed that make the property more appropriate for a different zoning district? Such factors may include the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, new plans, or other zoning changes in the area. If yes, please indicate the relevant factors.

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5. Have growth patterns or rates changed since the land was zoned as it is now? If yes, please provide supporting data and indicate how changed patterns or rates suggest the need for this rezoning.
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6. Will the proposed rezoning maintain a desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? How?
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-

Village Board. The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all comments, the Village Board shall within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the Board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.

The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board.

Effect of Denial. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS

By August 1st of each year, the Zoning Administrator shall obtain Plan Commission approval of a Comprehensive Plan amendment schedule, with the intent to adopt any Comprehensive Plan amendments in that annual amendment cycle by February of the following year.

Applications for Comprehensive Plan amendments shall be submitted to the Zoning Administrator in writing each year by the annual application deadline established in the approved amendment schedule, using a Village provided application form, in order to be considered in that year's amendment cycle. Only complete applications will be processed.

In addition to such applications, Village staff, the Village Plan Commission or any member thereof, or the Village Board or any member thereof may request amendments to the Comprehensive Plan, by the annual application dateline or another date if established in the approved amendment schedule.

The Zoning Administrator shall refer all proposed amendments under subsections (a) and (b) to the Plan Commission, within 30 days following the latest required date of submittal.

The Commission shall advise Village staff as to which proposed amendments should be considered for further review, providing an opportunity for public comment. Depending upon the number and nature of the proposed amendments, the Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of such hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map amendment, the Zoning Administrator shall also provide written notification to all property owners within 100 feet of the site.

After consideration of the proposed amendments and no later than January in the annual amendment cycle, the Plan Commission shall recommend the approval of any proposed amendment to the Village Board. The Commission is under no obligation to recommend approval of any requested amendment, and may recommend the amendment with modification. Such Commission action shall be via adoption of a resolution.

Following the Commission recommendation by resolution, and after a required 30 day public hearing notice period under Wisconsin Statutes, the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution of the Plan Commission.

Following the public hearing, the Village Board may adopt all or some of the recommended Comprehensive Plan amendments by ordinance, either as recommended or with modifications.

Comparison of Proposed Comprehensive Plan Amendment with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed Comprehensive Plan Map Amendment consistent with the Comprehensive Plan? Explain how, or why not.

2. Has the amendment been reviewed and denied during a previous comprehensive plan amendment cycle? ☐ Yes ☐ No

3. Would the amendment or projected development that would result will not create an adverse impact on public services and facilities, unless such impact will be successfully mitigated? Explain how, or why not.

4. Would the projected development that would result from the amendment create an undue or adverse impact on surrounding properties, and will it be consistent with or upgrade the character of the site and the surrounding neighborhood? Explain how, or why not.

5. Would the amendment or projected development that would result create an adverse impact on the following, unless such impact will be successfully mitigated: public facilities; public services; the natural environment including trees, slopes, and groundwater; any landmarks or other historically significant structures or properties? Explain how, or why not.

6. Is the amendment justified by a change in Village actions or neighborhood characteristics? Explain how, or why not.

7. **[MAP AMENDMENT ONLY]** Does the change correct a mapping error of the Future Land Use Map? If so, explain.

8. Is there a community or regional need identified in the Comprehensive Plan for the proposed land use or service? Explain how, or why not.

9. Is the proposed amendment consistent with other Village plans, policies, and regulations? Explain how, or why not.

10. Does the amendment respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies? Explain how, or why not.

11. **[MAP AMENDMENT ONLY]** Does the amendment better implement applicable Comprehensive Plan policies than the current map designation? Explain how, or why not.

12. Does the amendment address a deficiency in the Comprehensive Plan as identified by the Plan Commission or Village Board? Explain how, or why not.

Revocation. Any approved Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:

- (a) The approval was obtained by fraud or other intentional or misleading representations, or
- (b) The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the Comprehensive Plan or Village ordinances, or
- (c) The amendment is being implemented in a manner that is detrimental to the public health or safety.

STATEMENT OF UNDERSTANDING AND SIGNATURES

By signing and dating below, I acknowledge that I have reviewed and understand the Village of Weston zoning ordinance and its standards of approval related to this application; read, understand, and accept my responsibilities under the reimbursement section above; submitted an application that is true, correct, and complete to the best of my knowledge; acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the subject property to inspect or gather information necessary to process this application; understand that all meeting dates are tentative and may be postponed by the Village for the reason of incomplete submittals or other administrative reasons; if this application is approved, agree to abide by this application, approved plans, and required conditions associated with plan approval in the development of the subject property; and understand that the Village's zoning ordinance and/or the conditions of development approval may specify timeframes within which I must take certain actions related to the development of the subject property, or risk having the approval being nullified. **Failing to attach all the required components will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.**

Signature of Applicant

Date

Print Applicant Name

☐ Property Owner ☐ Agent (*Agents must have a LETTER OF AUTHORIZATION from all property owners*)

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally appeared before me this _____ day of _____, 20____, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public

My Commission Expires: _____

STAFF REVIEW

PIN: 192 2808 234 0026 Zoning: BP ☐ Village ☐ ETZ
Filed After the Fact: ☐ Yes ☒ No Fine Imposed: ☐ Yes ☒ No Amount: _____
Publication of Notice Date 1: 2/29/16 Publication of Notice Date 2: 3/7/16

Conditional Use Permit Review: N/A

PC/ETZ Meeting Date: _____ CUP No.: _____
☐ Approved ☐ Approved w/ Conditions ☐ Denied Site Plan No.: _____
Adoption Date: _____

Conditional Use Permit Review (Outdoor Commercial Entertainment Only)

Name of Establishment: _____	License Number: _____
CLPS Meeting Date: _____	<input type="checkbox"/> Recommend <input type="checkbox"/> Recommend w/ Conditions <input type="checkbox"/> Denied
VB Meeting Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied

Recorded Date: _____ Document No.: _____

Rezone and Comprehensive Plan Amendment Review:

Public Hearing Date: 3/14/16 Rezone/CPA No.: REZN-2-16-1566
Proposed Zoning: _____ Proposed FLU: Industrial
☒ Approved ☐ Approved w/ Conditions ☐ Denied
Adoption Date: 3/21/16 Ordinance No.: 16-017
Publication Date: 3/23/16